

NOTICE OF INVESTIGATION AND EMERGENCY HEARING

D.T.E. 02-15

February 20, 2002

The Department of Telecommunications and Energy (ADepartment@), on its own motion, and pursuant to its authority under G.L. c. 159, ' ' 12 and 16, votes to open an investigation into the regulations, practices, equipment, appliances and service of Network Plus, Inc. (ANetwork Plus@). Consistent with the requirements of Section 16, the Department will hold a hearing in this investigation on February 25, 2002. In this investigation, the Department will determine whether the regulations, practices, equipment, appliances, and service of Network Plus are unjust, unreasonable, unsafe, improper, or inadequate. See G.L. c. 159, ' 16. The Department will determine the just, reasonable, safe, adequate, and proper regulations and practices to be observed, and will fix and prescribe the same by Order. Before making such an Order, the Department will consider, but not limit itself to, the following: the relative importance and necessity of the changes ordered; the financial ability of Network Plus to comply with the requirements of the Order; and the effect of the carrier's compliance with the Order in its financial ability to make such other changes, if any, as may be deemed by the Department of equal or greater importance and necessity in the performance of the service which the carrier has professed to render to the public. See id.

Network Plus, Inc. (ANetwork Plus@), a telecommunications carrier serving primarily business customers in Massachusetts, filed for Chapter 11 bankruptcy protection on February 4, 2002. Network Plus continues to provide telecommunications services to its customers while in bankruptcy.

The Massachusetts Department of Telecommunications and Energy (ADepartment@) is concerned that some or all of Network Plus= customers may lose service without adequate notice as a result of the Network Plus= bankruptcy. Network Plus serves approximately 11,500 customers in Massachusetts, via either resale, UNE-P, or Network Plus= own facilities (Aon-net@). Network Plus= on-net customers include financial exchanges; numerous nursing homes, rehabilitation facilities, ambulance companies, and medical centers, including, significantly, a major teaching hospital; Massachusetts state agencies and court systems; municipal governments; and the Consulates General of foreign nations. Interruption in service is always of serious concern to the businesses affected, but the loss of telecommunications service to Network Plus= 11,500 businesses customers in Massachusetts may also pose acute problems for those members of the public who require continued access to Network Plus= customers for their own convenience, safety, and welfare; therefore, the Department finds that a short notice period for the hearing scheduled in this Order is reasonable and consistent with the public interest pursuant to 220 C.M.R 1.06(5)(c).

The Department invites all interested persons who are substantially and specifically affected by the issues under investigation to petition to intervene in this proceeding. Written petitions to intervene in this docket must be filed with the Secretary of the Department at the following address by 1:00 p.m. on Monday, February 25, 2002:

Mary L. Cottrell, Secretary
Re: D.T.E. 02-15
Department of Telecommunications and Energy
One South Station, Second Floor
Boston, MA 02110

In addition, all petitions to intervene are to be submitted via electronic mail to Paula.Foley@state.ma.us and dte.efiling@state.ma.us. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. ' 1.03. Receipt by the Department - not mailing - constitutes filing and determines whether a petition has been timely filed. To be allowed, a petition under 220 C.M.R. ' 1.03(1) must satisfy the standing requirements of G.L. c. 30A, ' 10.

An investigatory hearing will be held on **Monday, February 25, at 1:00 p.m.**, at the Department's offices at One South Station, Boston, Massachusetts, 02110. Immediately preceding the investigatory hearing, the Department will hold a public hearing and procedural conference.

Members of the public are invited to attend and express their views.

By Order of the Department,

MARY L. COTTRELL, SECRETARY